



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्य शासन द्वारा प्रकाशित

शिमला, मंगलवार 18 दिसम्बर, 2012/27 अग्रहायण, 1934

हिमाचल प्रदेश सरकार

LABOUR AND EMPLOYMENT DEPARTMENT

NOTIFICATION

Shimla-2, the 17th December, 2012

No. Sharm (A) 7-1/2005 (Award)-part-file.—In exercise of the powers vested in her under section 17(1) of the Industrial Disputes Act, 1947, the Governor Himachal Pradesh is pleased to order the publication of awards announced by the Presiding Officer, Labour Court, Shimla of the following cases on the website of Labour & Employment Department:-

Sr. No.	Case No:	Title of the Case	Date of Award
1.	70/2006	Shri Kewal Kumar V/s Registrar Dr. Y. S. Parmar University of Horticulture Nouni, Solan.	1-11-2012
2.	138/2007	Shri Suresh Kumar V/s Principal DAV Dental College and Hospital, Solan.	6-11-2007
3.	70//2010	Shri Devinder Thakur V/s M.D. M/S A.P. Securities, New Delhi	7-11-2012
4.	52/2012	Shri Raghubir Singh V/s M/D M/S Park Pharma Pvt. Ltd, Solan	7-11-2012
5.	103/2009	Shri Vijay Singh V/s I & PH Chaura Maidan, Shimla-4	8-11-2012
6.	126/2010	Shri Rajeev Kumar V/s Secry., State Election Commission H.P. Shimla.	9-11-2012
7.	81/2009	Shri Dila Ram V/s H.P. State Civil Supply Corp. Kasumpti & Others.	17-11-2012
8.	58/2012	Shri Desh Raj V/s M/s Corona Remedies Pvt. Ltd, Solan	17-11-2012
9.	28/2011	Shri Santosh Kumar V/s M/S Shivalik Containers Kala Amb	17-11-2012
10.	48/2011	Shri Sandeep Kumar V/s M/s Jhonson & Jonson Ltd. Baddi	9-11-0212
11.	54/2010	Shri Ram Krishan V/s Director, Himurja, Shimla	22-11-2012
12.	23/2012	Workers Union V/s M/s Mount Everest Mineral Water Limited.	22-11-2012

By order,

Sd/-

Addl. Chief Secretary (Lab. & Emp.).

IN THE COURT OF PURENDER VAIDYA, PRESIDING JUDGE, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, SHIMLA, (H.P)

Ref No. 70 of 2010.
Instituted on 10.5.2010.
Decided on 7.11.2012.

Devinder Thakur S/o late Shri Bhagat Ram Thakur R/o Village Chhakora, Sub Tehsil Junga, District Shimla, H.P . . *Petitioner.*

Vs.

The Managing Director M/s A.P Securities (P) Ltd., APS House -10 DDA Complex, Nangal Raya, New Dehli-1100146 . . *Respondent.*

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner : None.

For respondent : Shri Prakash Chand, Advocate.

AWARD

The following reference has been received from appropriate government for adjudication:

“Whether action of the management of M/s A.P Securities (P) Ltd., APS House-10 DDA Complex, Nangal Raya, New Dehli-1100146 to not allow Shri Devinder Thakur S/o late Shri Bhagat Ram to resume his duty w.e.f. 28.2.2008 is proper and justified? If not, what relief of service benefits the above named workman is entitled to? ”

2. The petitioner Devinder Thakur has filed the claim stating that he joined respondent on 10.10.2005 and served till 2.3.2009 when he was not allowed by the manager of respondent to join his duties. In fact, the petitioner was falsely implicated in a criminal case and arrested by Shimla Police on 20.2.2009. He was released on bail on 27.2.2009 and he went to the office of the respondent company at Shimla on 28.2.2009 where he was informed to come again on 2.3.2009. However, on 2.3.2009, the manager of the respondent company refused to take the petitioner on duty. The petitioner stated that he was not paid minimum wages as well as other allowances and service benefits. The petitioner challenged his dismissal to be illegal and without assigning any reason as no notice was served upon him before 2.3.2009 when he was not allowed to join his duties. Hence, the claim petition was filed with the prayer to treat the petitioner on duty w.e.f. 20.2.2009 onwards. The petitioner also prayed for other consequential service benefits. The petitioner raised industrial dispute which led to the present reference.

3. The claim petition was contested by the respondent by filing a reply wherein preliminary objections as to maintainability, cause of action and act and conduct of petitioner were raised. On merits, the respondent admitted that the petitioner joined respondent company as Gunman. The petitioner was not a permanent employee of the respondent. The petitioner was arrested on 20.2.2009 in connection with a case under Narcotic Act, thereafter, the petitioner remained willfully absent from duties w.e.f. 19.2.2009 to 28.2.2009 and manager of the respondent company asked the petitioner to explain his willful absence. Subsequently, respondent came to know that petitioner was arrested in a criminal case. It was stated that the petitioner was appointed on contractual basis and he was paid his salary and other service benefits. Consequently, respondent prayed for the dismissal of the claim petition.

4. Petitioner did not file rejoinder. On the pleadings of the parties the following issues were framed.

1. Whether the action of the respondent in not allowing the petitioner to resume his duties w.e.f. 28.2.2008 is improper and unjustified as alleged? . . . OPP.
2. If issue no.1 is proved in affirmative, to what service benefits the petitioner is entitled to? . . . OPP.
3. Whether the claim petition is not maintainable? . . . OPR.
4. Relief.

5. The aforesaid issues were read over and explained to both the parties. No other issue was pressed and claimed.

6. The issues in this case have been framed by this Court on 9.11.2010. Thereafter, the case was fixed for the evidence of petitioner for 14.1.2011 and petitioner was afforded opportunities to lead evidence but the petitioner failed to lead any evidence in support of his claim petition till 7.11.2012. Consequently, in the absence of any evidence on behalf of petitioner it cannot be held that the action of respondent not allowing the petitioner to resume his duties w.e.f. 28.2.2008 is improper and unjustified. Hence, issue no.1 framed hereinabove is answered against the petitioner.

7. In view of the findings on issue no.1, the petitioner is not entitled to any service benefits. Accordingly, issue No. 2 is also decided against the petitioner.

8. As far as issue No. 3 is concerned, there is nothing on record to suggest that the claim petition is not maintainable, hence, issue No. 3 is decided against the respondent.

9. For the reasons recorded hereinabove, the petitioner could not prove that the action of respondent not allowing him to resume his duties w.e.f. 28.2.2008 is improper and unjustified and as such his claim petition is hereby dismissed. As the result, the petitioner is not entitled to any service benefits, hence, the reference is answered in affirmative. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion, be consigned to records.

Announced in the open court today on this 7th day of November, 2012.

By order,
Sd/-
*Presiding Judge,
Industrial Tribunal-cum-
Labour Court, Shimla.*

IN THE COURT OF PURENDER VAIDYA, PRESIDING JUDGE, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, SHIMLA, (H.P)

Ref No. 81 of 2009
Instituted on 29.10.2009
Decided on 17.11.2012.

H.P. Dila Ram S/o Shri Sant Ram R/o Village Banan, P.O Piplughat, Tehsil Arki, District Solan,
. . *Petitioner.*

Vs.

1. The General Manager, H.P State Civil Supply Corporation, Kasumpti Shimla, District Shimla, H.P.
2. The Project Officer, Himurja, Solan, District Solan, H.P. . . *Respondents.*

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri O.P. Chauhan, Advocate
For respondent No. 1 : Shri Raghunandan Chaudhary, Advocate.
For respondent No. 2 : Shri Rajesh Mahajan, AR.

AWARD

The following reference has been received from appropriate government for adjudication:

“Whether removal from the services of Shri Dila Ram S/o Shri Sant Ram on 15.2.2008 by the HP State Civil Supply Corporation, Kasumpti Shimla-9&Project Officer, Himurja, Solan, H.P without following the provisions of the Industrial

Disputes Act, 1947 is legal and justified? If not what relief of service benefits and compensation the aggrieved workman is entitled to?"

2. The petitioner has filed the claim petition stating that he was appointed as a workman by respondent No.1 on 2.6.2005 and he joined the Head Office of respondent No.1 at Kasumptati. On 15.2.2008, the petitioner was relieved from his duty with the direction to join at Himurja office at Solan. In compliance of said direction, the petitioner approached respondent No. 2 but he was not allowed to join his duties. The petitioner stated that he had completed 240 days with the respondent but, before relieving him, respondent no.1 did not serve any notice as required under section 25-F of Industrial Disputes Act, 1947. The petitioner also pleaded that junior workmen were retained and there were regularized by respondent no.1. Hence, respondent No. 1 also violated section 25-G & 25-H of Industrial Disputes Act, 1947. Consequently, petitioner prayed to set aside his removal order dated 15.2.2008 issued by respondent no.1 and also prayed that he be reinstated with all consequential service benefits.

3. Respondent No.1 contested the claim of petitioner by filing a reply wherein preliminary objections were taken that the petitioner was appointed as daily waged workman by respondent No. 2 in February, 2004 and thereafter, a letter was received from the office of Hon'ble Chief Minister, H.P and consequently the petitioner was sent on deputation to the respondent No.1. Therefore, respondent No.1 had rightly relieved petitioner in order to enable him to join his parent department. The right to retrench the petitioner was with respondent No. 2 who was the parent employer of the petitioner. On merits also same facts were reproduced by the respondent no.1 that the petitioner was on deputation/secondment basis with respondent No. 1, so, he was repatriated to his parent department and the petitioner was not the employee of respondent No.1. Consequently, respondent No.1 prayed for the dismissal of the claim petition.

4. Respondent No. 2 also contested the claim petition and filed a separate reply wherein preliminary objection as to maintainability was raised. It was stated that the petitioner was appointed as daily wagger for the month of April & May, 2004 to monitor the work of Hydram and thereafter the services of petitioner were not required. On merits, it was stated that a letter was received from the office of respondent No.1 stating that it was ready to take the services of petitioner. Consequently, respondent No. 2 directed the petitioner to join the duties in the Head Office of respondent No.1. Thereafter, the petitioner was not the employee of respondent No. 2. The petitioner was taken purely as a stop gap arrangement for few days and the wages of same were also paid to the petitioner. Since, the petitioner was employee of respondent No.1, therefore, respondent No. 2 was not answerable for the removal of the petitioner. Hence, respondent No. 2 prayed for the dismissal of the claim petition.

5. Petitioner did not file any rejoinder. On the pleadings of the parties, the following issues were framed.

1. Whether the services of the petitioner have been terminated illegally and in an unjustified manner without complying with the provisions of Industrial Disputes Act, 1947 as alleged? . . . OPP.
2. If issue No.1 is proved to what service benefits, the petitioner is entitled to? . . . OPP.
3. Relief.

6. The aforesaid issues were read over and explained to both the parties. No other issue was pressed and claimed. Evidence of both the parties on the aforesaid issues were recorded.

7. I have heard both the parties and gone through the record carefully.

8. For the reasons to be recorded hereinafter my findings on the aforesaid issues are as under:

Issue No. 1 Yes.

Issue No. 2 Entitled to reinstatement with continuity in service but without back wages.

Relief. Reference answered in negative per operative part of award.

Reasons for finding

Issue No. 1

9. After hearing both the parties and going through the record carefully, I am of the considered opinion that petitioner was the employee of respondent No. 1 and he was illegally removed from the service by respondent No.1 against the provisions of Industrial Disputes Act, 1947.

10. From the pleadings as well as evidence of the parties, it is undisputed that initially the petitioner was appointed by respondent No. 2 as a daily waged workman and subsequently, in the year of 2005, he was appointed by the respondent No.1. The petitioner Dila Ram stepped into the witness box as Pw-1 and his testimony is revealing that on 2.6.2005 he joined the office of respondent No.1 vide appointment letter Ex. PW-1/A. He has also deposed that vide order Ex. PW-1/B, respondent no.1 had removed him from service on 15.2.2008. He has categorically deposed that he completed continuous service of two years eight months with respondent no.1 and also worked for 240 days in a calendar year. He was not served any show cause notice before his removal. He has further stated that after removing him, the respondent No.1 had employed other workmen.

11. On behalf of respondent No.1 Shri Balbir Singh, Senior Assistant appeared in the witness box as RW-1. He has deposed that the petitioner was employee of respondent No.2 and he was on deputation with the respondent No.1 from 25.6.2005 to 15.2.2008 when he was repatriated to his parent department. He relied upon letter Ex. R-1 from the office of respondent No.1 stating that the petitioner was sent on deputation to the respondent no.1 whereas on behalf of respondent No. 2 RW-2 Shri Pravesh Soni was examined who deposed that the petitioner was appointed for two months in 2004 and thereafter, on the conclusion of work, he was relieved.

12. Although, respondent No.1 has alleged that the petitioner was sent on deputation by respondent No. 2, but, I do not find any legal substance in this plea. No doubt, the material on record is suggesting that the petitioner was sent to the office of respondent no.1 by respondent No. 2 on deputation but at the same time there is no dispute that the petitioner was a daily wagger workman. It is undisputed fact that petitioner joined the respondent No.1 on 25.6.2005 and prior to that he was with respondent No. 2 on daily wages basis. There is no terms and conditions of deputation on record. By simply mentioning the appointment of petitioner on deputation basis with respondent no.1 in letter Ex. R-1 dated 21.6.2005 would not prove the plea that the petitioner was on deputation with the respondent no.1. In the absence of any terms and conditions of deputation, it cannot be held that the petitioner was on deputation with respondent No.1. Moreover, the petitioner was a daily wagger and had only worked for two months with respondent No. 2, therefore, he could not send on deputation under law by the respondent No. 2.

13. Taking into account all the established facts, I am of the opinion that the petitioner was working on daily wages basis with respondent No.2 and he was relieved by the respondent No. 2 and thereafter, he joined fresh job with respondent No.1 in June, 2005. So, legally speaking for all intents and purposes the petitioner was employee of respondent No.1.

14. The petitioner has categorically deposed that he worked for two years and eight months continuously with respondent No.1 and also worked for 240 days in a calendar year prior to his removal. RW-1 Shri Balbir Singh, Senior Assistant has also admitted this fact that petitioner had worked or more than 240 days in a calendar year. So, prior to his removal, respondent No.1 was under the legal obligation to serve notice of one month to the petitioner or to pay one month's wages to him along-with compensation in lieu of said notice as required under section 25-F of Industrial Disputes Act, 1947. The petitioner has also stated that after removing him, the respondent No.1 had retained junior workmen to him and also appointed other persons, so, there is also violation of section 25-G & 25-H of Industrial Disputes Act, 1947.

15. Consequently, in the light of my aforesaid discussion, the removal of petitioner by respondent No.1 on 15.2.2008 is illegal being against the provisions of Industrial Disputes Act, 1947. Accordingly, this issue is answered in favour of petitioner.

Issue No. 2

16. For the reasons recorded hereinabove while deciding issue no.1, the petitioner is entitled to be reinstated in service as his removal by respondent No. 1 on 15.2.2008 is illegal. Keeping in view facts and circumstances of the case, the petitioner is not entitled to any back wages but he is entitled to continuity in service. Accordingly, issue No.2 is answered in favour of petitioner.

Relief

For the reasons recorded hereinabove, the claim of the petitioner against respondent No.1 is allowed. Since, at the time of removal, petitioner was not employee of respondent No. 2, hence, the claim petition against respondent No. 2 is dismissed. Consequently, the reference is answered in negative as the removal of the petitioner from services by respondent No.1 on 15.2.2008 is illegal. The respondent No. 1 is directed to reinstate the petitioner on the same terms and conditions with continuity in service. However, the petitioner is not entitled to for back wages as it is settled law that back wages cannot be granted mechanically when the order of termination is declared illegal. Taking into account all the facts and circumstances of the case, to my mind the petitioner is not entitled to back wages. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion, be consigned to records.

Announced in the open court today on this 17th day of November, 2012.

By order,
Sd/-
*Presiding Judge,
Industrial Tribunal-cum-
Labour Court, Shimla.*

IN THE COURT OF PURENDER VAIDYA, PRESIDING JUDGE, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, SHIMLA, (H.P)

Ref No. 70 of 2006.

Instituted on 30.5.2006.

Decided on 01.11.2012.

1. Kewal Kumar S/o Shri Amar Singh C/o Shri J.C Bhardwaj, President H.P. (AITUC), H.Q Saproon, Tehsil and District Solan, H.P.
 2. Netar Singh S/o Shri Liaq Ram C/o Shri J.C Bhardwaj, President H.P. (AITUC), H.Q Saproon, Tehsil and District Solan, H.P.
- . . . Petitioners.

Vs.

The Registrar Dr. Y.S Parmar University of Horticulture and Forestry, Nouni, Solan, H.P.

. . Respondent.

*Reference under section 10 of the Industrial Disputes Act, 1947.***For petitioner :** Shri J.C. Bhardwaj, AR.**For respondent :** Shri D.K. Thakur, Advocate.**AWARD**

The following reference has been received from appropriate government for adjudication:

“Whether the termination of services of Shri Kewal Kumar S/o Shri Amar Singh w.e.f. 18.7.2002 by the Registrar Dr. Y.S Parmar University of Horticulture and Forestry, Nouni, Solan, H.P without serving him any notice or without holding any enquiry is legal and justified? If not, to what back wages, seniority, service benefits and relief the concerned workman is entitled to? ”

“Whether the termination of services of Shri Netar Singh S/o Shri Liaq Ram w.e.f. 15.8.2003 by the Registrar Dr. Y.S Parmar University of Horticulture and Forestry, Nouni, Solan, H.P without complying with the provisions of section 25-N of the Industrial Disputes Act, 1947 is legal and justified? If not, what back wages, seniority, service benefits and relief the concerned workman is entitled to?”

2. The petitioner Kewal Kumar has filed the claim stating that he was engaged by the respondent in October, 1998 and continued in service till 18.7.2002 when he was illegally terminated. The engagement of petitioner was with some frictional breaks but otherwise he continuously remained in service till 18.7.2002. It was stated that he was ill w.e.f. 26.12.1998 to 3.2.1999 and for the same he had submitted medical certificate. Earlier, he was terminated on 29.2.2000 then he raised demand notice and the matter was settled before Conciliation Officer, Solan and he was reinstated in service. He remained in continuous service till his final termination on 18.7.2002. The petitioner worked continuously for 240 days in a calendar year prior to his illegal termination, so, his termination was against the provisions of Industrial Disputes Act, 1947 as no notice was served upon him and he was not paid any compensation prior to his termination/retrenchment. The junior workmen were retained after his termination. So, petitioner Kewal Kumar prayed that his termination be set aside and he be reinstated in service with seniority and back wages along-with other consequential service benefits.

3. The respondent contested the claim of petitioner Shri Kewal Kumar by filing a reply wherein preliminary objections as to the non workman of petitioner, maintainability of the petition were raised. On merits, respondent did not deny that the petitioner was engaged on muster roll in October, 1998. However, it was stated that his employment was initially for 62 days and thereafter, he was again re-engaged for 85 days in 1999 in the months of Feb., to April and he was again engaged for 63 days for June to August, 1999. The engagement of petitioner was for seasonal work and for short duration. It was admitted that earlier the petitioner was terminated and he raised a demand notice before Labour-cum-Conciliation Officer, Solan. During the course of conciliation, offer was made to the petitioner to re-engage him subject to the availability of work and funds. Consequently, petitioner had withdrawn his demand notice and he was offered the employment vide letter dated 9.7.2001. But the engagement of petitioner was contractual for short periods. His services were disengaged on 29.11.2001. He again applied for contractual job vide application

dated 19.11.2001 and subsequently selected w.e.f. 1.1.2002 to 30.3.2002. He was dis-engaged on 20.3.2002 and thereafter again re-engaged on 18.7.2002 and he remained in job w.e.f. 20.4.2002 to 17.7.2002 when his services were disengaged. The petitioner was engaged for specific work and on specific salary, so, he was not covered under the provisions of Industrial Disputes Act, 1947. Hence, there was no violation of provisions of Industrial Disputes Act and as the result there was no question of giving any notice and compensation to the petitioner prior to his dismissal as the petitioner did not complete 240 days in a calendar year prior to his dismissal. Consequently, respondent prayed for the dismissal of the claim petition of petitioner Kewal Kumar.

4. The another petitioner Netar Singh also filed a separate claim stating that he was engaged by the respondent w.e.f. 1.4.2000 and remained in service till his illegal termination on 16.8.2003. Before his termination, no notice was served upon him as he completed 240 days in a calendar year. He also stated that junior to him were retained by the respondent, hence prayed was made to set aside his illegal termination and reinstate him with seniority and full back wages alongwith consequential service benefits.

5. The respondent also contested the claim of the petitioner Netar Singh by filing a separate reply wherein preliminary objection as to maintainability was raised. On merits, the respondent admitted that the petitioner Netar Singh was engaged w.e.f. 1.4.2000 to 28.6.2002 for 89 days purely on contractual basis. Thereafter, he was again reengaged for 89 days w.e.f. 1.8.2002 to 27.10.2002 and finally he was engaged from 16.6.2003 to 14.8.2003 for seasonal work. Hence, the petitioner never completed 240 days in a calendar year, so, there was no question of serving any notice and to pay him any compensation. Consequently, respondent prayed for the dismissal of the petition filed by Netar Singh petitioner.

6. Both the petitioners Kewal Kumar and Netar Singh filed rejoinders wherein they denied all the preliminary objections taken by the respondent in replies and further reasserted the averments already made in the claim petitions.

7. On the pleadings of the parties, the following issues are framed.

1. Whether the services of the petitioners have been illegally terminated without holding any enquiry? If so, its effect? . . . OPP.
2. If issue no.1 is proved in affirmative to what relief the petitioners are entitled to? . . . OPP.
3. Whether the petition in the present form is not maintainable as the petitioners have not completed 240 days in any calendar year? If so, its effect? . . . OPR.
4. Relief.

8. The aforesaid issues were read over and explained to both the parties. No other issue was pressed and claimed. Evidence of both the parties on the aforesaid issues were recorded.

9. I have heard both the parties and gone through the record carefully.

10. For the reasons to be recorded hereinafter my findings on the aforesaid issues are as under:

Issue No. 1 Partly yes.

Issue No. 2 Only petitioner Kewal Kumar entitled to reinstatement in service with seniority and continuity but without back wages. Whereas claim filed by petitioner Netar Singh is dismissed.

Issue No. 3 Partly no.

Relief. Reference partly answered in negative to the effect that termination of petitioner Kewal Kumar w.e.f. 18.7.2002 is set aside whereas the termination order of Netar Singh dated 15.8.2003 is upheld and cannot be set aside per operative part of award.

Reasons for finding

Issue no. 1 & 3

11. Both these issues are interlinked and can be disposed of by a single finding.

12. Although, the present reference was received in respect of two petitioners Kewal Kumar and Netar Singh and both of them have filed two claim petitions. However, only petitioner Kewal Kumar pursued his claim petition by leading evidence whereas another petitioner Netar Singh did not come forward and no evidence was led by him in order to prove his claim. Therefore, in the absence of any evidence on behalf of petitioner Netar Singh he has failed to prove his claim. As the result, it cannot be held that the termination of services of Netar Singh petitioner w.e.f. 15.8.2003 by the respondent is illegal and unjustified. Hence, the claim of petitioner Netar Singh is liable to be dismissed and he is not entitled to any service benefits from this Court.

13. However, as far as the claim of other petitioner Kewal Kumar is concerned, he has led evidence in support of his claim. For the reasons to be discussed hereinafter, the petitioner Kewal Kumar has successfully proved that he was illegally terminated from service by the respondent w.e.f. 18.7.2002.

14. From the pleadings as well as evidence it is undisputed fact that the petitioner Kewal Kumar was employed by the respondent in October, 1998. It is also undisputed that he was earlier terminated w.e.f. 29.2.2000 and consequently he had raised a demand notice and settlement was arrived at before Conciliation Officer, Solan, as the result, he was reinstated in service and thereafter, finally terminated on 18.7.2002.

15. The pleadings and evidence on record are also revealing that the petitioner was given breaks after periodical period by the respondent, In order to prove this fact, the respondent has examined five witnesses, i.e RW-1 Shri Ramesh Chand, Junior Assistant, RW-2 Shri B.D Sharma, Senior Assistant, RW-3 Shri Hira Lal, Section Officer, RW-4 Shri Surinder Sharma, Superintendent and RW-5 Shri Liaquat Ali, Junior Assistant. These witnesses produced on record the documents Ex. RA, Ex. RB, Ex. RC, Ex. RC-2, Ex. RD, Ex. RD-1, Ex. RE, Ex. RE-1, Ex. RF, Ex. RG, Ex. RH, Ex. RJ, Ex. RK, Ex. RL and Ex. RM. From the careful perusal of the statements of these witnesses as well as aforesaid documents, it is clear that the respondent had engaged petitioner in 1998 and he worked till 18.7.2002 with breaks. His services were dis-engaged after specific period and thereafter the petitioner was re-engaged. As discussed hereinabove, earlier also the petitioner was dis-engaged/terminated on 29.2.2000 but again reengaged as the result of settlement arrived at before the Conciliation Officer, Solan. The statements of aforesaid witnesses examined by respondent are revealing that the petitioner was again re-engaged w.e.f. 9.7.2001 to 30.9.2001. He was again re-engaged w.e.f. 1.10.2001 to 30.11.2001 and thereafter from 1.1.2002 to

17.7.2002. But on behalf of respondent no muster roll or mandays chart of petitioner was produced. RW-5 Shri Liaqat Ali, Junior Assistant admitted that initially the petitioner was engaged as daily paid worker. This witness, as well as other witnesses of respondent have stated that the petitioner did not complete 240 days in a calendar year prior to his termination. But, in support of this contention no documentary evidence was produced.

16. The manday chart Ex. RA is pertaining to the year 1999 whereas we are concerned with the mandays chart of twelve months prior to date of termination of petitioner i.e 18.7.2002.

17. The petitioner Kewal Kumar has stepped into the witness box as PW-1 and he has categorically deposed that he continuously worked w.e.f. October, 1998 to 18.7.2002. His testimony is going to suggest that he completed 240 days in a calendar year prior to his termination. On the top of it, the petitioner Kewal Kumar has placed on record the copy of mandays chart mark E from July, 2001 to July, 2002 when the services of petitioner were terminated, he had completed 240 days in a calendar year. So, I am not in agreement with the plea raised by the respondent that the petitioner did not work for 240 days in the preceding twelve calendar months prior to his termination.

18. I am also of the opinion that the notional breaks in service were given to the petitioner only to frustrate the provisions of Industrial Disputes Act, 1947. Taking into consideration all the facts and circumstances of the case, to my mind the petitioner was not engaged for a specific period to do seasonal work or he was not engaged on contractual basis, but he was a workman under the respondent and had completed 240 in preceding twelve calendar months at the time of his termination. So, he is entitled for the benefits of section 25-F of Industrial Disputes Act, 1947 which make it mandatory and obligatory on the part of respondent to serve one month's notice to the petitioner and to pay him compensation prior to the termination. Here, I am supported by law laid down by Hon'ble H.P High Court in the matter of 2007LLR-1155 wherein it has been held that:

“Providing for payment of compensation and one month's notice pay in lieu of notice, by the employer, to the employee at the time of his termination petitioner was initially appointed for 89 days and after giving him notional break, reappointed for another 89 days followed by one year appointment-Petitioner has completed 240 days in preceding 12 calendar months at the time of his termination-Appointment orders issues in succession to petitioner was camouflage to take out petitioner from section 25-F of the Act- Appointment of petitioner cannot be termed as contractual and his case will not fall under section 2(oo) (bb) of the Act- It amounted to retrenchment- Act of respondent corporation of engaging petitioner by giving fictional breaks wa not bonafide- Workman entitled to relief of reinstatement with all consequential benefits w.e.f. from the date of reference till date of reengaged. Award of Labour Court liable to be set aside.”

19. Consequently, in the light of my aforesaid discussion, the termination of petitioner Kewal Kumar w.e.f. 18.7.2002 is illegal and unjustified and is hereby set aside. Accordingly, issue no.1 is partly decided in favour of petitioners as only petitioner Kewal Kumar has established his termination to be illegal whereas other petitioner Netar Singh has failed to lead any evidence in support of his contention, therefore, the termination of petitioner Netar Singh cannot be set aside and for the same reason, issue no.3 is also partly decided against the respondent.

Issue No. 2

20. For the reason to be recorded hereinabove while discussing issue no.1 & 3, only petitioner Kewal Kumar is entitled to be reinstated in service as his termination order dated

18.7.2002 has been set aside. Petitioner Kewal Kumar is further entitled to the seniority and continuity but keeping in view the facts and circumstances of the case, he is not entitled to any back wages. Whereas other petitioner Netar Singh is not entitled to any relief and service benefits from this Court. Hence, this issue is answered accordingly.

Relief

For the reasons recorded hereinabove, the claim of the petitioner Kewal Kumar is allowed as the termination of the services of the petitioner Kewal Kumar is improper and unjustified. Consequently, the petitioner Kewal Kumar is entitled to reinstatement in service with immediate effect with seniority and continuity but without back wages. Whereas the claim filed by the petitioner Netar Singh is dismissed as he has failed to lead any evidence in support of his claim. Hence, the reference is partly answered in negative to the effect that termination of petitioner Kewal Kumar w.e.f. 18.7.2002 is set aside in the light of aforesaid observation whereas the termination order of Netar Singh dated 15.8.2003 is upheld and cannot be set aside and the award is accordingly passed. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion, be consigned to records.

Announced in the open court today on this 1st day of November, 2012.

By order,
Sd/-
Presiding Judge,
Industrial Tribunal-cum-
Labour Court, Shimla.

IN THE COURT OF PURENDER VAIDYA, PRESIDING JUDGE, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, SHIMLA, (H.P)

Ref No. 52 of 2012.

Instituted on. 26.7.2012.

Decided on 7.11.2012.

Raghubir Singh S/o Shri Bhura Ram R/o Village Khera, P.O Nanakpur, Tehsil Kalka,
District Panchkula Haryana . . *Petitioners.*

Vs.

The Managing Director M/s Park Pharma Pvt., Ltd., Kalu Jhanda, P.O Mandhala, Tehsil
Baddi, District Solan, H.P. . . *Respondent.*

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri R.K Khidta, Advocate.

For respondent : Already exparte.

AWARD

The following reference has been received from appropriate government for adjudication:

“Whether the termination of services of Shri Raghubir Singh S/o Shri Bhura Ram R/o Village Khera, P.O Nanakpur, Tehsil Kalka, District Panchkula Haryana by the Managing Director M/s Park Pharma Pvt., Ltd., Kalu Jhanda, P.O Mandhala, Tehsil Baddi, District Solan, H.P. w.e.f. 21.10.2012 without complying with the provisions of the Industrial Disputes Act, 1947 is legal and justified? If not, what amount of back wages, past service benefits, seniority and compensation the above worker is entitled to from the above employer? ”

2. The petitioner has filed the claim stating that he was engaged as an Operator in the month of February, 2007 by the respondent company and worked continuously till 21.10.2007 when his services were illegally terminated by the respondent without assigning any reason. The petitioner challenged his termination order having been passed against the provisions of Industrial Disputes Act, 1947 and without serving any chargesheet to him and without holding any enquiry. Hence, petitioner prayed to set aside his termination order and to reinstate him with full back wages, seniority and continuity alongwith damages to the tune of Rs. one lakhs and ₹ 25,000/- as litigation expenses.

3. The claim was filed by the petitioner in the Court after the reference was received. The respondent was served but did not put appearance, hence, respondent was proceeded against exparte.

4. The petitioner led exparte evidence. The un-rebutted exparte evidence is sufficient to establish that the petitioner was illegally terminated by the respondent from the service w.e.f. 21.10.2010.

5. The petitioner Raghubir Singh stepped into the witness box as PW-1 and he has categorically deposed that he was engaged as an Operator by the respondent in the month of February, 2007 and continuously worked till 21.10.2010 when his services were terminated. This statement remained un-rebutted as the respondent did not appear to contest this testimony of the petitioner. This testimony of petitioner is sufficient to prove that before his termination, petitioner had worked for 240 days in a calendar year under the respondent. So, prior to his termination, the respondent was under the legal obligation to serve notice of one month's to the petitioner and to pay him wages for the period of notice. But, no such compliance was made by the respondent, hence, there is violation of section 25-F of Industrial Disputes Act, 1947 on the part of respondent. As the result, the termination of petitioner on 21.10.2010 is not sustainable under law and is hereby set aside.

6. The petitioner has also deposed that he was terminated from service in violation of sections 25-N, 25-G and 25-H of the Industrial Disputes Act, 1947. In this regard there is no specific evidence on record, I do not find any record to show that whether any junior workmen were retained by the respondent after the termination of the petitioner or whether any junior workman was engaged after his termination. At the same time there is nothing in his testimony to reveal that the respondent was having more than 100 workers in order to attract the provisions of section 25-N of the Industrial Disputes Act, 1947.

7. For the reasons to be recorded hereinabove, the termination of petitioner is against the statutory provisions of section 25-F of Industrial Disputes Act. As such, the termination of petitioner dated 21.10.2010 is hereby set aside and the petitioner is ordered to be reinstated in service with seniority and continuity but without back wages as it is settled law that relief of back wages is not a matter of course. Taking into account all the facts and circumstances of the case, the petitioner is not entitled to any back wages and compensation as prayed for by him.

8. In the light of my aforesaid observation, the claim of the petitioner is allowed and the reference is answered in negative to the effect that the petitioner is ordered to be reinstated in services with seniority and continuity but without back wages. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion, be consigned to records.

Announced in the open court today on this 7th day of November, 2012.

By order,
Sd/-
Presiding Judge,
Industrial Tribunal-cum-
Labour Court, Shimla.

IN THE COURT OF PURENDER VAIDYA, PRESIDING JUDGE, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, SHIMLA, (H.P)

Ref. No. 126 of 2010
Instituted on. 4.12.2010
Decided on 9.11.2012.

Rajeev Kumar S/o Shri Tek Ram R/o Village Darawal, P.O Karyali, Tehsil Sunni, District Shimla, H.P. . . *Petitioner.*

Vs.

The Secretary State Election Commission, Himachal Pradesh Shimla-171002 . . *Respondent.*

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri Neel Kamal Sood, Advocate
For respondent : Shri Sanjeev Sharma, Advocate.

AWARD

The following reference has been received from appropriate government for adjudication:

“Whether the verbal termination of the services of Shri Rajeev Kumar S/o Shri Tek Ram, daily wage driver w.e.f. February, 2009 by the Secretary State Election Commission, H.P Shimla-2 without serving chargesheet, without holding enquiry and without complying with the provisions of the Industrial Disputes Act, 1947 is legal and justified? If not, to what back wages, service benefits and relief the above named workman is entitled to? ”

2. The petitioner has filed the claim petition stating that he was appointed as Driver on daily wages w.e.f. 3.11.2007 by the respondent and he continued to work till February, 2009 when his services were orally terminated. The petitioner stated that he had completed 240 days in the preceding twelve months, but no notice as required under section 25-F of Industrial Disputes Act, 1947 was served upon him. It was further stated that the petitioner was terminated in order to bring other person that too from a different department on secondment basis. Therefore, there was

violation of section 25G and 25-H of Industrial Disputes Act, 1947. Consequently, petitioner prayed to set aside his termination orders. The industrial dispute was raised by the petitioner which led to the present reference.

3. The respondent contested the claim of petitioner by filing a reply wherein preliminary objection as to maintainability and appointment of petitioner as stop-gap arrangement during the leave period of regular driver were raised. On merits, it was stated that initially the petitioner was appointed as driver w.e.f. 3.11.2007 to 22.11.2007 during the leave period of regular driver Shri Munshi Ram who was on medical rest. The health of Shri Munshi Ram got deteriorated and he was operated upon for the treatment of cancer. After surgery, Shri Munshi Ram joined his duties but on medical advise, he was not given the job of driver. Therefore, the engagement period of petitioner was extended on the ground of illness of Shri Munshi Ram but unfortunately Shri Munshi Ram died on 29.12.2008 and the services of petitioner were dispensed with in February, 2009 after the death of Shri Munshi Ram. The respondent requested the government to allow them to fill up the post of driver by way of recruitment on daily or contract basis but the government advised the respondent to fill up the post on secondment basis from the surplus pool of drivers from Board/Corporations. Consequently, the other person was engaged on secondment basis after the death of Shri Munshi Ram. The respondent further stated that the petitioner could not be appointed on regular basis in the absence of his regular appointment. Consequently, respondent prayed for the dismissal of the claim petition.

4. Petitioner filed rejoinder wherein he denied all the preliminary objections taken by the respondent in reply and further reasserted the averments already made in the claim petition.

5. On the pleadings of the parties, the following issues were framed.

1. Whether the termination of the services of the petitioner by the respondent w.e.f. February, 2009 without serving chargesheet and without holding enquiry is in violation of the provisions of Industrial Disputes Act, 1947? . . . OPP.
2. If issue no.1 is proved in affirmative to what relief the petitioner is entitled to? . . . OPP.
3. Whether the petitioner was appointed as stop gap arrangement during the leave period of regular driver? . . . OPR.
4. Relief.

6. The aforesaid issues were read over and explained to both the parties. No other issue was pressed and claimed. Evidence of both the parties on the aforesaid issues were recorded.

7. I have heard both the parties and gone through the record carefully.

8. For the reasons to be recorded hereinafter my findings on the aforesaid issues are as under:

Issue No. 1 Yes.

Issue No. 2 Entitled to reinstatement with seniority and continuity in service but without back wages.

Issue No. 3 Partly yes.

Relief. Reference answered in negative per operative part of award.

Reasons for finding

Issue No. 1 & 3

9. Both these issues are interlinked and can be disposed of by a single finding.

10. After hearing both the parties and going through the record carefully, I am of the considered opinion that the termination of services of the petitioner w.e.f. February, 2009 is in violation of the provisions of Industrial Disputes Act, 1947, as such, the same is not sustainable under law and liable to set aside.

11. Petitioner Rajeev Kumar stepped into the witness box as PW-1 and deposed all the facts as stated by him. He also tendered in evidence documents Ex. PW-1/1 to Ex. PW-1/30. These documents are copies of office orders of the petitioner after his initial appointment as driver and the extension period of his service till February, 2009 as well as the copies of sanction orders for the expenditure incurred towards the payment of his salary. The petitioner also stated that he was not served with any notice before this retrenchment and other person was engaged on secondment basis. He categorically deposed that he completed 240 days in a calendar year prior to his termination. He also tendered in evidence copy of his representation made to the Secretary of respondent Ex. PW-1/33 and the copy of his mandays chart from November, 2007 to February, 2009 is Ex. PW-1/34.

12. On the other hand, the respondent examined Shri Mohar Singh, the concerned Clerk who deposed that the petitioner was engaged during the leave period of regular driver Shri Munshi Ram who was ill and unfortunately he was died on 29.12.2008 and the services of petitioner were dispensed with w.e.f. February, 2009. His testimony is also revealing that after the death of Shri Munshi Ram on the advise of Government, the post of driver was filled up on secondment basis from other department.

13. The evidence on record established that initially the petitioner was appointed for a specific period of twenty days during the leave period of Shri Munshi Ram the original driver vide office order Ex. PW-1/1 but at the same time it stands established that after short breaks of 2/3 days the service period of petitioner was extended till February, 2009. It is undisputed fact that the original driver Shri Munshi Ram was ill and ultimately he unfortunately died on 29.12.2008. The respondent had taken the plea that the driver on secondment basis was appointment by the respondent on the advise of government but there is no evidence in this regard. No documentary evidence was produced as to filling the post of driver on secondment basis after the death of Shri Munshi Ram the original driver. There is nothing on record to reveal the terms and conditions of the fulfilling the post of driver on secondment basis. However, it has come in testimony of RW-1 Shri Mohar Singh that the person who was appointed on secondment basis had went back to his parent department. Therefore, now, there is no occasion to discuss this aspect of the case whether the filling of post of driver on secondment basis was legal or not.

14. At the same time, RW-1 Shri Mohar Singh has categorically deposed that after the retrenchment of petitioner, the respondent had engaged one another driver. This fact is sufficient to establish the violation of section 25-H of Industrial Disputes Act, 1947 which cast a duty upon the respondent to give preference to petitioner to re-employ him. An opportunity should have been given to the petitioner for re-employment before engaging any other person as driver. Hence, in view of section 25-H of Industrial Disputes Act, 1947, the termination of petitioner from February, 2009 is not sustainable under law.

15. Also, it is established that from November, 2007 to February, 2009, the petitioner worked for more than 240 days in a calendar year preceding to his retrenchment. This fact is evident from the copy of mandays chart of petitioner Ex. PW-1/34 and this fact has also been categorically admitted by RW-1 Shri Mohar Singh who in his cross-examination has admitted that during preceding twelve months the petitioner has worked for 240 days. As such, before the retrenchment of petitioner, the respondent was under the legal obligation to serve one month's notice to the petitioner or to pay one month's salary and compensation to the petitioner in lieu of notice as required under section 25-F of the Act. No such notice was served upon the petitioner and at the same time no one month's salary and compensation in lieu of notice was paid to the petitioner. RW-1 Shri Mohar Singh has also admitted that when the petitioner was retrenched, no notice was served upon him. Consequently, the termination of petitioner is in violation of section 25-F of Industrial Disputes Act, 1947. On this ground also, the termination orders of petitioner are liable to set aside.

16. The respondent has also taken the plea that State Election Commission is constituted under Article 243K and 243 ZA of Constitution of India and it is discharging Sovereign function, therefore, it is not controlled by the Industrial Disputes Act, 1947. After due consideration, I am not in agreement with the said plea of respondent. The daily waged driver of State Election Commission cannot said to have discharging Sovereign function of State. Hon'ble Supreme Court of India in the matter of (2000) 8 SCC 61 has held in a case of Temporary Employees of Market Committee established under Karnatka Agricultural Produce Marketing (Regulation) Act, 1966. It was held that the temporary employees, who had not become government servants, were workmen under the Industrial Disputes Act, 1947. Similarly, in our case, the petitioner is a workman for the purpose of Industrial Disputes Act, 1947.

17. The respondent has also taken the plea that the services of petitioner cannot be regularized in the absence of adoption of proper procedure. After due consideration, to my mind, the petitioner has no where prayed for regularization. For the reasons recorded hereinabove, his termination orders are liable to set aside. So, the petitioner would be reinstated in service on the same terms and conditions as a daily wager on which he was initially engaged.

18. The respondent has also taken the plea that the appointment of petitioner was purely stop gap arrangement for specific period, so, he could not be given any relief under the Industrial Disputes Act, 1947. No doubt, initially the appointment of petitioner was for twenty days during the leave period of original driver Shri Munshi Ram but the evidence on record established that Shri Munshi Ram did not work as driver from November, 2007 till his death which occurred on 29.12.2008 and during this period the petitioner discharged the duty of driver and continued till February, 2009 when his services were terminated by the respondent. The evidence on record also established that there were breaks of 2/3 days in extending the service of petitioner. To my mind, these breaks were frictional or notional breaks only to defeat the provisions of section 25-F of Industrial Disputes Act, 1947. The evidence on record established that prior to his termination in February, 2009, the petitioner had worked for more than 240 days in a calendar year. As such, he is entitled to get the protection of section 25-F of Industrial Disputes Act, 1947. Here I am supported by the law laid down by Hon'ble High Court of H.P in the matter of Manoj Kumar Vs. HRTC CWP No. 39 of 2006 decided on 28.5.2007. Therefore, it is hereby held that initially the petitioner was appointed on stop gap arrangement during the leave period of regular driver but subsequently by virtue completion of 240 days in a calendar year, he is entitled to get the protection of section 25-F of Industrial Disputes Act, 1947.

19. Accordingly, for the aforesaid reasons issue No.1 is decided in favour of the petitioner whereas issue no.3 is partly decided in favour of respondent.

Issue No. 2.

20. For the reason to be recorded hereinabove while discussing issue No.1 & 3, the petitioner has been illegally terminated from service of daily waged driver by the respondent in February, 2009. As such, his termination orders w.e.f. February, 2009 are hereby set aside. The petitioner is ordered to be reinstated in service by the respondent as daily waged driver with seniority and continuity in service. As far as the relief of compensation and back wages is concerned, to my mind it is not the thumb rule to give such relief. Taking into all the facts and circumstances of the case, the petitioner is not entitled to the back wages and compensation as held by the Hon'ble Supreme Court in the matter of 2008 LLR 1121. Hence, this issue is answered accordingly.

Relief

For the reasons recorded hereinabove, the claim of the petitioner is allowed and the reference is answered in negative as the termination of the services of the petitioner is improper and unjustified. Consequently, the petitioner is entitled to reinstatement in service with immediate effect with seniority and continuity but without back wages. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion, be consigned to records.

Announced in the open court today on this 9th day of November, 2012.

By order,
Sd/-
*Presiding Judge,
Industrial Tribunal-cum-
Labour Court, Shimla.*

IN THE COURT OF PURENDER VAIDYA, PRESIDING JUDGE, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, SHIMLA, (H.P)

Ref No. 54 of 2010
Instituted on 1.5.2010
Decided on 22.11.2012.

Ram Krishan S/o Shri Punnu Ram R/o Village & P.O Shamathla, Tehsil Kumarsain,
District Shimla, H.P. . . *Petitioner.*

Vs.

3. The Principal Secretary (MPP & Power), to the Government of Himachal Pradesh, Shimla-2.
4. The Chief Executive Officer, HIMURJA, Kasumpti Shimla-9.
5. The Director, HIMURJA, SDA Complex, Shimla-9 . . *Respondents.*

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri J.R. Sharma, Advocate.

For respondent : Already exparte.

AWARD

The following reference has been received from appropriate government for adjudication:

“Whether the termination of services of Shri Ram Krishan S/o Shri Punnu Ram by the Director, HIMURJA SDA Complex, Shimla-9 w.e.f. 1.1.2008 through verbal orders without following the provisions of the Industrial Disputes Act, 1947 as alleged by the workman is proper and justified? If not what relief of service benefits including seniority and compensation the workman is entitled to?”

2. The petitioner has filed the claim petition stating that he was engaged as a driver on daily wages by the respondent no.3 and he performed the duties of driver with the VVIP i.e Minister of MPP & Powers and Science & Technology till 31.7.2007 when the services of petitioner were orally terminated illegally. The petitioner challenged his termination orders on the ground that no notice was served upon him prior to his termination as required under section 25-F of the Industrial Disputes Act, 1947 as he worked for more than 240 days in a calendar year prior to his termination. Hence, the claim petition was filed consequent upon receiving the present reference in the Court.

3. Reply was filed by respondent no.3 wherein it was stated that the petitioner was engaged by the office of Hon’ble MPP & Power Minister on daily wages and his services were on co-terminus basis. However, the wages were paid by the Project Officer, HIMURJA. As per the condition of service of petitioner, his services were only required during incumbency of Hon’ble MPP & Power Minister. The Hon’ble MPP & Power Minister ceased to be the Incharge Minister on 30.12.2007, consequently, the requirement of services of petitioner ceased to exist, hence, he was duly relived. The respondent further stated that already there were sanctioned posts of eight drivers which stood filed up, hence, petitioner could not be re-engaged. As the result, the respondent no.3 prayed for the dismissal of the claim petition.

4. The record is revealing that after filing of reply on behalf of respondent no.3, petitioner did not appear, however, subsequently Shri J.R Sharma, Advocate moved an application with the prayer to allow the petitioner to participate in the proceedings. His application was allowed and subsequently the statement of petitioner was recorded in his evidence. Thereafter, as per record, the case was fixed for respondent evidence. At this stage, none appeared on behalf of respondent, consequently, respondent was proceeded against exparte. Thereafter, on behalf of petitioner an application under section 151 CPC was filed with the prayer to produce in evidence his mandays chart which was obtained by him from the respondent under Right to Information Act. Said application was allowed and petitioner tendered in evidence his mandays chart Ex. PX.

5. I have heard Learned Counsel for petitioner and gone through the record carefully.

6. The un-rebutted exparte evidence of petitioner is sufficient to establish that he was engaged by the respondent No. 3 as daily wages driver in the year 2003 and removed from service in January, 2008. This fact is not disputed by the respondent as is evident from the reply filed by respondent no.3.

7. The respondent has taken the plea that the post of petitioner was co-terminus with the office of the then Hon’ble MPP & Power Minister. But, no appointment letter of petitioner was produced in evidence to prove this plea. The petitioner has stated in his testimony that he was not issued any order in writing about his appointment on co-terminus basis with the Hon’ble MPP & Power Minister. Hence, I do not find any legal force in the aforesaid plea raised by the respondent, in its reply, which is liable to be rejected.

8. The reply filed by respondent No. 3 is sufficient to reveal that the petitioner was engaged as daily wages driver and wages were also paid to him by respondent No. 3. Moreover, the mandays chart of the petitioner Ex. PX from the year, 2003 to January, 2007 has also been issued by the Project Officer, HIMURJA. All these evidence on record are sufficient to establish that the petitioner was the employee of respondent No. 3 and he was not employed by the office of Hon'ble MPP & Power Minister of H.P. From the material on record, it appears that the petitioner was engaged by the respondent No. 3 and he was attached with the Hon'ble Minister of MPP & Power. But, this would not harm the claim of the petitioner as he was employee of respondent No. 3.

9. The petitioner has categorically deposed in his testimony that he worked from 2003 to January, 2007 and in a calendar year he worked for more than 240 days. This fact is also established by Ex. PX, the mandays chart of the petitioner that prior to his termination on 1.1.2008, the petitioner had worked for more than 240 days in the preceding twelve months. Thus, the respondent no.3 was under the legal obligation to serve notice of one month to the petitioner or to pay one month wages to him alongwith compensation in lieu of said notice as required under section 25-F of Industrial Disputes Act, 1947. As no such notice was served upon the petitioner, hence, his termination is illegal and liable to set aside.

10. Accordingly, in the light of my aforesaid discussion, the claim petition is allowed against respondent no.3 and the reference is answered in negative as the termination of services of petitioner w.e.f. 1.1.2008 by respondent no.3 (Director, HIMURJA SDA Complex, Shimla-9) is illegal and against the provisions of Industrial Disputes Act, 1947 and the same termination orders are hereby set aside. The respondent no.3 is directed to re-engage the petitioner with seniority and continuity in service. However, the petitioner is not entitled to for back wages as it is settled law that back wages cannot be granted mechanically when the order of termination is declared illegal. Taking into account all the facts and circumstances of the case, to my mind the petitioner is not entitled to back wages. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion, be consigned to records.

Announced in the open court today on this 22nd day of November, 2012.

By order,
Sd/-
*Presiding Judge,
Industrial Tribunal-cum-
Labour Court, Shimla.*

Ref. 23/2012

President/Gen Secy Mount Everest Mineral V/s M/s Mount Everest Water Ltd

22.11.2012.

Present: None for petitioner.
Shri P. K. Chaudhary, Advocate for respondent.

Case called twice but none is present on behalf of the petitioner. It is 10.30. AM.

Be called again.

By order,
Sd/-
*Presiding Judge,
Labour Court, Shimla.*

Present: None for petitioner.
Shri P. K. Chaudhary, Advocate for respondent.

Case called again. It is 12.35 PM but again none is present on behalf of the petitioner. Be called after lunch.

By order,
Sd/-
Presiding Judge,
Labour Court, Shimla.

Case called after lunch.

Present: Shri Niranjana Verma, Advocate for petitioner.
Shri P. K. Chaudhary, Advocate for respondent.

Time prayed for filing of claim petition. The record is revealing that petitioner has availed four opportunities for filing of claim petition. Hence, no further opportunity is granted to file the claim petition and right to file claim petition is closed. The following reference has been received from appropriate government for adjudication:

“Whether the miscellaneous demands of President/General Secretary, Mount Everest Mineral Water Workers Union, Dhaula Kuan, Paonta Sahib, H.P as per demand notices dated 9.1.2011 and 16.2.2011 (copy enclosed) to be fulfilled by the Factory Manager, M/s Mount Everest Mineral Water Limited, Village Dhaula Kaun, District Sirmour, H.P are legally justified and maintainable? If yes, what amount of monetary benefits, other facilities, service benefits and compensation the concerned workers of above establishment, are entitled to from the above Employers/Management?”

Since, no claim is filed, hence it cannot be held that the demands of President/General Secretary, Mount Everest Mineral Water Workers Union, Dhaula Kuan, Paonta Sahib, H.P as per demand notice dated 9.1.2011 and 16.2.2011 are legal, justified and maintainable. Since, petitioner has failed to file any claim petition, so, in the absence of any claim petition and evidence in support thereof, the reference cannot be answered in favour of the petitioner's union. In the light of my aforesaid discussion, the reference is answered in negative and the petitioner's union is not entitled to any monetary benefits, other facilities, service benefits and compensation from the respondent management. File after completion be consigned to records.

Announced.
22/11/2012

By order,
Sd/-
Presiding Judge,
Labour Court, Shimla.

Ref. 28/2011

Sh. Santosh Kumar V/s M/s Shivalik Containers Kala Amb.

17.11.2012.

Present: None for petitioner.
Shri Ranvir Chauhan, Advocate for respondent.

It is 10.30 AM but none is present on behalf of petitioner. Be called again.

By order,
Sd/-
Presiding Judge,
Labour Court, Shimla.

Case called again.

Present : None for petitioner.
Shri Ranvir Chauhan, Advocate for respondent.

It is 12.20 PM. Case called twice but none is present on behalf of petitioner. Be called after lunch.

By order,
Sd/-
Presiding Judge,
Labour Court, Shimla.

Case called after lunch.

Present : None for petitioner.
Shri Ranvir Chauhan, Advocate for respondent.

Case called twice. It is 3.30 PM but none is present on behalf of petitioner, hence, the claim petition filed by the petitioner is hereby dismissed. The following reference has been received from appropriate government for adjudication:

“Whether the verbal termination of services of Shri Santosh Kumar S/o Shri Gaddi Lal operator by the management of M/s Shivalik Containers Pvt., Ltd., Unit-II, Plot No. 7, Industrial Area, Phase-II, Kala Amb, District Sirmour, H.P w.e.f. July, 2010 without serving charge sheet, without holding enquiry and without complying with the provisions of Industrial Disputes Act, 1947 as alleged by the worker is legal and justified? If not, what back wages, service benefits and relief the above named worker is entitled to?”

The petitioner Santosh Kumar filed claim petition stating that he was initially appointed as helper by the respondent on 20.7.2007 and he worked continuously till his illegal termination. In between in 2008, he was promoted to the post of operator. The petitioner further stated that in the month of August, 2010, he proceeded on leave from 3.8.2010 to 20.8.2010 and when he came back to join his duties on 21.8.2010, the respondent did not allow him to join his duties. The petitioner further stated that he was removed without serving any charge sheet and without any enquiry. No notice was served upon him. The respondent retained junior workmen to him and also employed fresh workmen. Hence, petitioner stated that his removal was against the provisions of Industrial Disputes act, 1947. Consequently, he prayed to set aside his termination orders w.e.f. July, 2010 and further prayed that he be reinstated in service with all consequential benefits. Since, petitioner did not appear to press his claim and in the absence of any evidence in favour of petitioner, the claim petition filed by the petitioner is liable to be dismissed. Hence, for the aforesaid reasons, it cannot be held that the services of petitioner were wrongly and illegally terminated by the respondent w.e.f. July, 2010. Consequently, the reference is answered in affirmative and as such the petitioner is not entitled to any relief from this Court. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion, be consigned to records.

Announced.
17/11/2012

By order,
Sd/-
Presiding Judge,
Labour Court, Shimla.

Sh Sandeep Kumar V/s M/s Jojnson& johason Baddi.

9.11.2012.

Present: None for petitioner.
Shri Chandershekhar Sharma, AR for respondent.

It is 3.10 P.M. Case called again but none appeared on behalf of the petitioner and as such petitioner could not file any claim. The following reference has been received from the appropriate government for adjudication:

“Whether the termination of the services of Shri Sandeep Kumar S/o Shri Damodar Dass Village Kodhar, P.O Chimhanu, Tehsil Joginder Nagar, District Mandi H.P. w.e.f. 31.8.2010 by the Factory Manager/Occupier M/s Jhonson & Jhonson Ltd., Jharmajri Tehsil Badi, District Solan, HP after conducting the enquiry, about which above ex-worker has alleged that same was not fair and justified is proper and justified? If not, what amount of back wages, seniority, past service benefits and relief the above worker is entitled to from the above employer/management?”

“If issue no.1 is answered that inquiry was fair and just, in that case whether the punishment is proportionate to the misconduct? If not, what relief the above exworker is entitled to from the management?”

After receiving aforesaid reference, notices were issued to the parties. Both the parties put appearance and petitioner prayed time to file claim petition. In the interest of justice, opportunities to file claim petition were given to the petitioner. Today, none appeared on behalf of petitioner. In the absence of petitioner there is no claim petition on record. At the same time there is no evidence in support of the petitioner in order to justify his claim. In the absence of any claim petition it cannot be held that the termination of services of petitioner by the respondent w.e.f. 31.8.2010 is not fair and justified. Hence, point no.1 of reference is answered in affirmative. In the absence of any claim and evidence in support of that it cannot be held that the punishment awarded to the petitioner is not proportionate to the misconduct. Consequently, point no.2 of the reference is also in affirmative and it is further held that the petitioner is not entitled to any relief whatsoever. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion, be consigned to records.

Announced.
9/11/2012

By order,
Sd/-
Presiding Judge,
Labour Court, Shimla.

Sh. Desh Raj V/s M/s Corina Remedies Pvt. Ltd Solan

17.11.2012.

Present: None for petitioner.

Shri C.S. Thakur, Advocate for respondent.

Shri C.S. Thakur, Advocate has filed Power of Attorney on behalf of respondent.

Since, the petitioner is not present, be called again. It is 10.45 AM.

By order,
Sd/-
Presiding Judge,
Labour Court, Shimla.

Case called again.

Present : None for petitioner.

Shri C.S. Thakur, Advocate for respondent.

It is 12.30 PM but none is present on behalf of petitioner. Be called after lunch.

By order,
Sd/-
Presiding Judge,
Labour Court, Shimla.

Case called after lunch.

Present : None for petitioner.

Shri C.S. Thakur, Advocate for respondent.

Case called twice. It is 3.40 PM but none is present on behalf of petitioner. The following reference has been received from appropriate government for adjudication:

“Whether the termination of services of Shri Desh Raj S/o Shri Bhagwan Singh R/o Village Kalyan, P.O Gaura, Tehsil Kandagha, District Solan, H.P by the Factory Manager, M/s Corona Remedies Pvt. Ltd., Village Jatoli, P.O Oachghat, Tehsil & District Solan H.P w.e.f. 10.9.2010 without following the provisions of the Industrial Disputes Act, 1947 is legal and justified? If not, what amount of back wages, seniority, past service benefits and compensation the above ex-worker is entitled to from the above employer?”

After receiving reference, the petitioner was served to file his claim petition in order to show that his termination by respondent is wrong and illegal. Despite service, petitioner did not put appearance and did not file any claim petition. Consequently, it cannot be held that the termination of services of petitioner is wrong and illegal. As the result, the references is hereby answered in affirmative and it is hereby held that the petitioner is not entitled to any relief from this Court. Let a

copy of this award be sent to the appropriate government for publication in official gazette. File, after completion, be consigned to records.

Announced.
17/11/2012

By order,
Sd/-
Presiding Judge,
Labour Court, Shimla.

IN THE COURT OF PURENDER VAIDYA, PRESIDING JUDGE, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, SHIMLA, (H.P) CAMP AT SOLAN

Ref No. 138 of 2007.
Instituted on 1.11.2007.
Decided on 6.11.2012.

Suresh Kumar C/o Shri Rejender Kumar, Depot. Holder, Village Manghgaon, P.O Shanti,
Tehsil & District Solan, H.P. . . *Petitioner.*

Vs.

The Principal M.N D.A.V, Dental College and Hospital, Tatul, P.O Oachghat, Solan,
District Solan, H.P. . . *Respondent.*

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri J.C. Bhardwaj, AR.
For respondent : Shri Sudhir Gupta, Advocate.

AWARD

The following reference has been received from appropriate government for adjudication:

“Whether the termination of services of Suresh Kumar workman by the Principal, MNDV, Dental College and Hospital, Tatul, P.O Oachghat, Solan, District Solan, HP w.e.f. 15.9.2005 on the basis of domestic enquiry is proper and justified? If not, what relief of service benefits and amount of compensation the above aggrieved workman is entitled to? ”

2. The petitioner has filed the claim stating that he was appointed as Store Keeper by the Director of respondent hospital on 1.7.1999. He remained in employment till his illegal termination on 15.9.2005. The petitioner was terminated by the Principal who was not competent, because, the appointment of the petitioner was made by the Director of the institution. The petitioner was removed from service on the charges of misconduct on the basis of domestic enquiry which was totally illegal. The Principal had appointed the enquiry officer on 31.3.2005. The enquiry officer did not serve any notice to the petitioner to hold an enquiry indicating the date, time and place of enquiry. The enquiry officer also did not supply the documents along-with charge sheet to the petitioner before initiating the enquiry proceedings. Further the presenting officer was appointed as Store Keeper in place of petitioner as before enquiry the petitioner was reduced in rank and he was posted as receptionist. The enquiry was not conducted in accordance with law and procedure and

the enquiry officer did not appreciate the evidence properly. The statements of witnesses were manufactured and manipulated. The enquiry officer had absolved the petitioner from the serious charges of fraud, theft and dishonesty with the employers business. So, there was no occasion for the petitioner to commit the misconduct of dereliction of duties and disobedience of the lawful orders of superiors and undermining the prestige of organisation. Consequently, the petitioner prayed to set aside the termination orders dated 15.9.2005 and to reinstate him with full back wages and other benefits like seniority and continuity in service.

3. The respondent contested the claim of petitioner by filing a reply wherein preliminary objections as to estoppel, suppression of material facts and limitation were raised. On merits, respondent admitted that the petitioner was appointed as Store Keeper on 1.7.1999. It was stated that the Principal was competent to terminate the services of the petitioner. The petitioner was given full opportunities to defend himself at every stage of domestic enquiry. The enquiry was conducted in a fairmanner by the enquiry officer. It was denied that the petitioner was reduced in rank in order to adjust Shri Inder Kumar as Store Keeper. In fact, the petitioner was given written warnings on 18.7.2001, 29.10.2001, 6.11.2001 and 15.12.2001 and consequently, he was assigned the job of receptionist as punishment. The petitioner did not discharge his duties as receptionist, therefore, he was chargesheeted and after valid enquiry, his services were terminated, since, he was found guilty by the enquiry officer. Consequently, respondent prayed for the dismissal of the claim petition.

4. The petitioner filed rejoinder wherein he denied all the preliminary objections taken by the respondent in reply and further reasserted the averments already made in the claim petition.

5. On the pleadings of the parties, the following issues were framed.

1. Whether the termination of the services of the petitioner by the Principal MNDV Dental College and Hospital Tatul, P.O Oachghat, District Solan w.e.f. 15.9.2005 on the basis of domestic enquiry is proper and justified as alleged? . . OPR.
2. If issue no.1 is not proved to what relief of service benefits and amount of compensation the petitioner is entitled to? . . OPP.
3. Whether the petitioner is estopped from filing this petition by his act, deed and conduct? . . OPR.
4. Whether the petition is barred by limitation and is not maintainable? . . OPR.
5. Relief.

6. The aforesaid issues were read over and explained to both the parties. No other issue was pressed and claimed. Evidence of both the parties on the aforesaid issues were recorded.

7. I have heard both the parties and gone through the record carefully.

8. For the reasons to be recorded hereinafter my findings on the aforesaid issues are as under:

Issue No. 1 No.

Issue No. 2 Entitled to reinstatement in service with seniority and continuity but without back wages.

Issue No. 3 No.

Issue No. 4 No.

Relief. Reference answered in negative per operative part of award.

Reasons for finding

Issue No. 1

9. After hearing both the parties and going through the record carefully, I am of the considered opinion that the termination of the services of petitioner w.e.f. 15.9.2005 is not proper and justified for the reasons to be recorded hereinafter.

10. The petitioner has filed the claim petition stating that he was appointed a Store Keeper but subsequently reduced to the rank of receptionist. As per petitioner, this was done illegally only to adjust one Shri Inder Kumar who was subsequently appointed as Presenting Officer. To my mind, the plea of petitioner as to reduction of rank from the post of Store Keeper to receptionist is beyond the scope of reference, hence, the averments made by the petitioner in claim petition are beyond the reference and liable to be ignored. Similarly, the evidence led in this behalf are also beyond the reference and cannot be taken into account.

11. The record is revealing that the petitioner was charge sheeted and domestic enquiry was conducted against him wherein he was found guilty of dereliction of duties, disobedience of the lawful orders of superiors and undermining the prestige of organization and consequently in view of said findings of the enquiry officer, he was terminated vide order Ex. E-16 dated 15.9.2005. The record is further revealing that the petitioner was also chargesheeted for theft, fraud and dishonest with the employer's business as well as theft and fraud with the precious customer of the organization. However, these charges could not be proved against the petitioner as is evident from the findings of the enquiry officer vide his report Ex. RW-2/B. If, the petitioner has not committed any theft, fraud and dishonesty, then it cannot be easily believed that he was guilty of dereliction of duties and disobedience of lawful orders of the superiors and undermining the prestige of the organization.

12. However, taking into account the entire evidence on record, I am of the opinion that the principles of natural justice have been violated while conducting domestic enquiry against the petitioner. As such, the enquiry report Ex. RW-2/B is not sustainable under law and accordingly, the termination order of petitioner Ex. E-16 is also not sustainable under law and liable to set aside.

13. In order to justify the termination of the petitioner, the respondent has examined RW-1 Dr. Bharat Bhushan, the Principal of the respondent college as well as RW-2 Shri V. K. Gupta, the enquiry officer. These witnesses produced in evidence all the relevant record of the enquiry Ex. R-1 to Ex. R-50. The enquiry officer also proved his enquiry report Ex. RW-2/B. On the other hand, petitioner Suresh Kumar also stepped into the witness box as PW-1 and deposed all the facts which he has stated in the claim petition to challenge his termination order. Petitioner has also examined PW-2 Shri Harish Sharma, Assistant Accountant to prove the copies of extract of the bills Ex. PW-2/A to Ex. PW-2/C

14. The material on record is suggesting that vide Ex. RW-2/A the respondent had initiated the disciplinary proceedings against the petitioner and he was directed to appear before the enquiry officer Shri V.K Gupta on 12.4.2005 at 11.00AM in the conference hall of administrative Block of Dental College at Tatul. Ex. RW-2/A is further revealing that Shri Inder Kumar was appointed as Presenting Officer. The record is also revealing that prior to initiation of disciplinary proceedings vide Ex. RW-2/A dated 31.3.2005 chargesheet Ex. R-9 was prepared by the Principal against the petitioner. I do not find any evidence on record to show that prior to the chargesheet Ex. R-1, the

petitioner was given any show cause notice to explain his position regarding the allegations made in the chargesheet Ex. R-9 and whether the reply filed by the petitioner was considered or not. Therefore, this conduct on the part of the respondent reflects pre-conceived biasness against the petitioner. This is nothing but violation of principles of natural justice.

15. From the perusal of the proceedings of domestic enquiry, it is clear that documents upon which the department had relied upon during domestic enquiry were not supplied to the petitioner before the start of domestic enquiry. The enquiry officer RW-2 Shri V.K. Gupta in his cross examination has admitted that when chargesheet was served upon the petitioner, he was not supplied with the documents. At the same time, RW-1 Dr. Bhart Bhushan, Principal of the respondent college has also admitted that the documents Ex. R-10 to Ex. R-50 were not supplied to the petitioner alongwith chargesheet. The non supply of material documents to the petitioner before the start of domestic enquiry has caused material prejudice to the petitioner. Due to this reason, he was unable to defend himself effectively and properly and this has also caused the violation of principle of natural justice. Hence, the enquiry report is not sustainable under law and consequently, the termination of petitioner is not sustainable. Here, I am supported by law laid down by Hon'ble Supreme Court in the matter of 2011 (II) LLJ-627.

16. The proceedings of enquiry are also revealing that the Presenting Officer Shri Inder Kumar had appeared as management witness in order to prove the charges against the petitioner. This procedure is not sustainable under law. The Presenting Officer cannot be a management witness. So, the procedure adopted during the domestic enquiry is not sustainable under law and is Presenting Officer was not independent. Due to this reason, the proceedings of domestic enquiry were not fair and independent. Consequently, the enquiry report Ex. RW-2/B is liable to set aside.

17. For the reasons recorded hereinabove, the enquiry report Ex. RW-2/B is not sustainable under law and is hereby set aside. Consequently, on the basis of same report, the termination orders of the petitioner Ex. E-16 dated 15.9.2005 are also not sustainable and are hereby set aside. Hence, for the aforesaid reason, this issue is decided against the respondent.

Issue No.2

18. For the reason to be recorded hereinabove while discussing issue No.1 the termination order of the petitioner dated 15.9.2005 has been set aside. As the result, the petitioner is entitled to be reinstated as a workman in service with seniority and continuity. As far as the relief of compensation and back wages is concerned, to my mind it is not the thumb rule to give such relief. Taking into all the facts and circumstances of the case, the petitioner is not entitled to the back wages and compensation as held by the Hon'ble Supreme Court in the matter of 2008 LLR 1121. Hence, this issue is decided in favour of the petitioner.

Issue No. 3

19. There is nothing on record to establish that the petitioner is estopped from filing this petition by his act, deed and conduct. In the absence of evidence on record, this issue is decided against the respondent.

Issue No. 3

20. The present petition is not time barred as the proceedings were initiated immediately after receiving the reference in the Court and consequently, the petitioner has filed the claim petition. Accordingly, this issue is also decided against the respondent.

Relief

For the reasons recorded hereinabove, the claim of the petitioner is allowed as the termination of the services of the petitioner w.e.f. 15.9.2005 is improper and unjustified. Consequently, the petitioner is entitled to reinstatement in service with immediate effect with seniority and continuity but without back wages and as such the reference is answered in negative. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion, be consigned to records.

Announced in the open court today on this 6th day of November, 2012.

By order,
Sd/-
*Presiding Judge,
Industrial Tribunal-cum-
Labour Court, Shimla.
(Camp at Solan).*

IN THE COURT OF PURENDER VAIDYA, PRESIDING JUDGE, INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, SHIMLA, (H.P)

Ref No. 103 of 2009
Instituted on. 18.11.2009
Decided on 8.11.2012.

Vijay Singh S/o Shri Molak Ram R/o Village Halli Kanda, P.O Gumma, Tehsil & District
Shimla, H.P. . . *Petitioner.*

Vs.

The Executive Engineer, IPH Division Chaura Maidan, Shimla-4 . . *Respondent.*

Reference under section 10 of the Industrial Disputes Act, 1947.

For petitioner : Shri J.R Sharma, Advocate
For respondent : Shri Jagdish Kanwar, Dy. DA.

AWARD

The following reference has been received from appropriate government for adjudication:

“Whether the termination of services of Shri Vijay Singh S/o Shri Molak Ram by the Executive Engineer, IPH Division Chaura Maidan, Shimla-4 w.e.f. 30.11.1998 without complying with the provisions of Industrial Disputes Act, 1947 and keeping his juniors in service is proper and justified? If not, what relief of service benefits including reinstatement the above worker is entitled to?”

2. The petitioner has filed the claim petition stating that he was engaged as daily wager by the respondent on 1.2.1998 and continued to work till 30.11.1998 when he was illegally retrenched from service. The petitioner has stated that he completed 240 days in a calendar year

prior to his illegal termination. It was further stated that the respondent retained many juniors to the petitioner and also engaged fresh workmen after his retrenchment. As such the petitioner challenged his termination. The petitioner raised industrial dispute which led to the present reference.

3. The respondent contested the claim of petitioner by filing a reply wherein preliminary objection as to maintainability and delay were raised. On merits, it was stated that the petitioner was engaged as beldar on 1.6.1998. It was denied that the petitioner completed 240 days in a calendar year. As per respondent, the petitioner only worked for 141 days w.e.f. 1.6.1998 to 30.11.1998. It was also denied that junior workmen to the petitioner were retained and after the termination of petitioner fresh workmen were engaged. Consequently, respondent prayed for the dismissal of the claim petition.

4. Rejoinder was filed by the petitioner wherein he denied all the preliminary objections taken by the respondent in reply and further reasserted the averments already made in the claim petition.

5. On the pleadings of the parties, the following issues were framed.

1. Whether the termination of the services of the petitioner by the respondent w.e.f. 30.11.1998 is in violation of the provisions of Industrial Disputes Act, 1947?
.. OPP.
2. Relief.

6. The aforesaid issues were read over and explained to both the parties. No other issue was pressed and claimed. Evidence of both the parties on the aforesaid issues were recorded.

7. I have heard both the parties and gone through the record carefully.

8. For the reasons to be recorded hereinafter my findings on the aforesaid issues are as under:

Issue No. 1 Yes.

Relief. Reference answered in negative per operative part of award.

Reasons for finding

Issue No. 1

9. After hearing both the parties and going through the record carefully, I am of the considered opinion that the termination order of petitioner w.e.f. 30.11.1998 is in violation of the provisions of Industrial Disputes Act, 1947, as such, the same is not sustainable under law and liable to set aside.

10. From the pleadings as well as evidence of the parties, it is undisputed that the petitioner was engaged as daily wager by the respondent. It is also undisputed that he was terminated on 30.11.1998. The petitioner Vijay Singh stepped into the witness box as PW-1 and deposed that he completed 240 days in a calendar year and prior to his retrenchment no notice was served upon him and no compensation was paid to him. Apart from the bald statement of petitioner there is no evidence on record to suggest that in fact the petitioner has completed 240 days in a calendar year prior to his retrenchment on 30.11.1998.

11. Moreover, the respondent has categorically stated that the petitioner only worked for 141 days w.e.f. 1.6.1998 to 30.11.1998. On behalf of respondent, Shri D. R. Sharma, Assistant Engineer, IPH Gumma appeared into the witness box as RW-1 and he has deposed said fact that the petitioner only worked for 141 days. He produced in evidence the mandays chart of petitioner Ex. PW-1/A revealing that he was engaged on 1.6.1998 and worked till 30.11.1998 and only completed 141 days prior to his termination. Thus, in the absence of completion of 240 days in a calendar year prior to his termination on 30.11.1998, the petitioner is not entitled to get protection of section 25-F of Industrial Disputes Act, 1947.

12. However, the evidence on record established that after the termination of petitioner on 30.11.1998, junior workmen to him were retained and fresh workmen were also engaged. The petitioner has categorically deposed this fact in his testimony. RW-1 Shri D.R. Sharma, Assistant Engineer also admitted in his cross examination that workmen namely Kewal Ram and Joginder were engaged in the division. He also admitted the seniority list Ex. PA to be correct. This seniority list Ex. PA is revealing that after the termination of petitioner on 30.11.1998, junior workmen to him were retained and fresh workmen were also engaged. Therefore, certainly, there is clear violation of section 25-G and 25-H of the Industrial Disputes Act, 1947. As the result, the termination of petitioner 30.11.1998 is not sustainable under law. I am of the opinion that the completion of 240 days in a calendar year is not pre-requisite condition for the violation of section 25-G and 25-H of the Act. Hon'ble High Court of H.P in the matter of State of H.P and others Vs. Bhatag Ram and Another HLJ 2007 (HP) 903 has held as under:

“Continuing of 240 days not necessary in 12 calendar months. It is not necessary to workman to complete 240 days during 12 months for taking the benefits of section 25-G & 25-H of the Act.”

13. Hence, for the aforesaid reason, I hold that the services of petitioner have been illegally and wrongly terminated w.e.f. 30.11.1998 and the same is not sustainable under law. Accordingly, this issue is decided in favour of the petitioner.

Relief

For the reasons recorded hereinabove, the claim of the petitioner is allowed and the reference is answered in negative as the termination of the services of the petitioner is improper and unjustified. Consequently, the petitioner is entitled to reinstatement in service with immediate effect with seniority and continuity. However, the petitioner is not entitled to without back wages as it is settled law that back wages cannot be granted mechanically when the order of termination is declared illegal. Taking into account all the facts and circumstances of the case, to my mind the petitioner is not entitled to back wages. Let a copy of this award be sent to the appropriate government for publication in official gazette. File, after completion, be consigned to records.

Announced in the open court today on this 8th day of November, 2012.

By order,
Sd/-
Presiding Judge,
Industrial Tribunal-cum-
Labour Court, Shimla.

ब अदालत श्री एस0 एल0 नेगी, कार्यकारी दण्डाधिकारी, तहसील निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश

श्री प्रताप सिंह पुत्र श्रीमती जानकू देवी, निवासी गांव ठारला, तहसील निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश . . वादी।

बनाम

आम जनता

. . प्रतिवादी।

विषय.—प्रार्थना—पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री प्रताप सिंह पुत्र श्रीमती जानकू देवी, निवासी गांव ठारला, तहसील निरमण्ड ने इस न्यायालय में आवेदन किया है कि वह अपने पुत्र हर्ष की जन्म तिथि 28-10-2005 को ग्राम पंचायत चामल के जन्म एवं मृत्यु पंजीकरण अभिलेख में दर्ज नहीं करवा सका। इसका जन्म गांव ठारला में हुआ है।

अतः इस इशतहार द्वारा आम जनता को सूचित किया जाता है कि प्रताप सिंह के पुत्र हर्ष को ग्राम पंचायत चामल के अभिलेख में दर्ज करने बारे यदि किसी को उजर एवं एतराज हो तो वह अपना एतराज इस न्यायालय में असालतन या वकालतन हाजिर आकर 9-1-2013 को अपना एतराज पेश कर सकता है। उसके बाद किसी प्रकार का एतराज नहीं सुना जाएगा।

आज दिनांक 23-10-2012 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

एस0 एल0 नेगी,
कार्यकारी दण्डाधिकारी,
निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश।

ब अदालत श्री एस0 एल0 नेगी, कार्यकारी दण्डाधिकारी, तहसील निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश

श्री प्रताप सिंह पुत्र श्रीमती जानकू देवी, निवासी गांव ठारला, तहसील निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश . . वादी।

बनाम

आम जनता

. . प्रतिवादी।

विषय.—प्रार्थना—पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969.

श्री प्रताप सिंह पुत्र श्रीमती जानकू देवी, निवासी गांव ठारला, तहसील निरमण्ड ने इस न्यायालय में आवेदन किया है कि वह अपनी पुत्री पलवी की जन्म तिथि 6-2-1997 को ठारला गांव में ग्राम पंचायत चामल के जन्म एवं मृत्यु पंजीकरण अभिलेख में दर्ज नहीं करवा सका। पलवी का जन्म गांव ठारला में हुआ है।

अतः इस इशतहार द्वारा आम जनता को सूचित किया जाता है कि अपना पक्ष उक्त जन्म तिथि ग्राम पंचायत चामल में दर्ज करने बारे यदि किसी को उजर एवं एतराज हो तो वह असालतन या वकालतन अदालत हजा में आकर 9-1-2013 को प्रातः 10.00 बजे आकर पेश कर सकता है। उसके पश्चात् किसी का

भी एतराज नहीं सुना जाएगा और ग्राम पंचायत चामल के अभिलेख में पलवी पुत्री श्री प्रताप सिंह की जन्म तिथि दर्ज कर दी जाएगी।

आज दिनांक 23-10-2012 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया।

मोहर।

एस0 एल0 नेगी,
कार्यकारी दण्डाधिकारी,
निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश।

ब अदालत श्री एस0 एल0 नेगी, कार्यकारी दण्डाधिकारी, तहसील निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश

श्री हेत राम पुत्र श्री सुरत राम, गांव बंगाड़ी, फाटी सरघा, तहसील निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश।

बनाम

आम जनता

विषय.—प्रार्थना—पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत जन्म तिथि दर्ज करने बारे।

श्री हेत राम पुत्र श्री सुरत राम, गांव बंगाड़ी, फाटी सरघा, तहसील निरमण्ड ने इस अदालत में प्रार्थना—पत्र गुजारा है कि उसके पुत्र अनिल कुमार का जन्म 5-4-1993 को गांव बंगाड़ी, ग्राम पंचायत सरघा में हुआ है परन्तु अज्ञानता के कारण वह अपने पुत्र की जन्म तिथि ग्राम पंचायत सरघा में दर्ज नहीं करवा सका।

अतः इस इशतहार द्वारा आम जनता को सूचित किया जाता है कि उक्त जन्म तिथि ग्राम पंचायत सरघा में दर्ज करने बारे यदि किसी को उजर एवं एतराज हो तो वह असालतन या वकालतन अदालत हजा में 9-1-2013 को प्रातः 10.00 बजे आकर पेश कर सकता है। उसके उपरान्त कोई एतराज नहीं सुना जाएगा और जन्म तिथि को दर्ज करने के आदेश नियमानुसार पारित कर दिए जाएंगे।

आज दिनांक 10-12-2012 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी किया गया।

मोहर।

एस0 एल0 नेगी,
कार्यकारी दण्डाधिकारी,
निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश।

ब अदालत श्री एस0 एल0 नेगी, कार्यकारी दण्डाधिकारी, तहसील निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश

श्री हेत राम पुत्र श्री सुरत राम, गांव बंगाड़ी, फाटी सरघा, तहसील निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश।

बनाम

आम जनता

विषय.—प्रार्थना—पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत जन्म तिथि दर्ज करने बारे।

श्री हेत राम पुत्र श्री सुरत राम, निवासी बंगाड़ी, फाटी सरघा, तहसील निरमण्ड ने इस अदालत में प्रार्थना-पत्र गुजारा है कि उसके पुत्र इन्दर सिंह का जन्म 10-9-2003 को ग्राम पंचायत सरघा में हुआ है परन्तु अज्ञानता के कारण वह अपने पुत्र की जन्म तिथि ग्राम पंचायत सरघा में दर्ज नहीं करवा सका।

अतः इस इशतहार द्वारा आम जनता को सूचित किया जाता है कि उक्त जन्म तिथि ग्राम पंचायत सरघा में दर्ज करने बारे यदि किसी को उजर एवं एतराज हो तो वह असालतन या वकालतन अदालत हजा में 9-1-2013 को प्रातः 10.00 बजे आकर पेश कर सकता है। उसके उपरान्त कोई एतराज नहीं सुना जाएगा और जन्म तिथि को दर्ज करने के आदेश नियमानुसार पारित कर दिए जाएंगे।

आज दिनांक 10-12-2012 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी किया गया।

मोहर।

एस0 एल0 नेगी,
कार्यकारी दण्डाधिकारी,
निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश।

ब अदालत श्री एस0 एल0 नेगी, कार्यकारी दण्डाधिकारी, तहसील निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश

श्री हेत राम पुत्र श्री सुरत राम, गांव बंगाड़ी, फाटी सरघा, तहसील निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश।

बनाम

आम जनता

विषय.—प्रार्थना-पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत जन्म तिथि दर्ज करने बारे।

श्री हेत राम पुत्र श्री सुरत राम, निवासी बंगाड़ी, फाटी सरघा, तहसील निरमण्ड ने इस अदालत में प्रार्थना-पत्र गुजारा है कि उसके पुत्र अर्जुन सिंह का जन्म 2-12-1988 को गांव बंगाड़ी, ग्राम पंचायत सरघा में हुआ है परन्तु अज्ञानता के कारण वह अपने पुत्र की जन्म तिथि ग्राम पंचायत सरघा में दर्ज नहीं करवा सका।

अतः इस इशतहार द्वारा आम जनता को सूचित किया जाता है कि उक्त जन्म तिथि ग्राम पंचायत सरघा में दर्ज करने बारे यदि किसी को उजर एवं एतराज हो तो वह असालतन या वकालतन अदालत हजा में 9-1-2013 को प्रातः 10.00 बजे आकर पेश कर सकता है। उसके उपरान्त कोई एतराज नहीं सुना जाएगा और जन्म तिथि को दर्ज करने के आदेश नियमानुसार पारित कर दिए जाएंगे।

आज दिनांक 10-12-2012 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी किया गया।

मोहर।

एस0 एल0 नेगी,
कार्यकारी दण्डाधिकारी,
निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश।

ब अदालत श्री एस0 एल0 नेगी, कार्यकारी दण्डाधिकारी, तहसील निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश

श्री हेत राम पुत्र श्री सुरत राम, गांव बंगाड़ी, फाटी सरघा, तहसील निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश।

बनाम

आम जनता

विषय.—प्रार्थना—पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत जन्म तिथि दर्ज करने बारे।

श्री हेत राम पुत्र श्री सुरत राम, निवासी बंगाड़ी, फाटी सरघा, तहसील निरमण्ड ने इस अदालत में प्रार्थना—पत्र गुजारा है कि उसके पुत्र विपन कुमार का जन्म 11-4-1990 को गांव बंगाड़ी, ग्राम पंचायत सरघा में हुआ है परन्तु अज्ञानता के कारण वह अपने पुत्र की जन्म तिथि ग्राम पंचायत सरघा में दर्ज नहीं करवा सका।

अतः इस इशतहार द्वारा आम जनता को सूचित किया जाता है कि उक्त जन्म तिथि ग्राम पंचायत सरघा में दर्ज करने बारे यदि किसी को उजर एवं एतराज हो तो वह असालतन या वकालतन अदालत हजा में 9-1-2013 को प्रातः 10.00 बजे आकर पेश कर सकता है। उसके उपरान्त कोई एतराज नहीं सुना जाएगा और जन्म तिथि को दर्ज करने के आदेश नियमानुसार पारित कर दिए जाएंगे।

आज दिनांक 10-12-2012 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी किया गया।

मोहर।

एस0 एल0 नेगी,
कार्यकारी दण्डाधिकारी,
निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश।

ब अदालत श्री एस0 एल0 नेगी, कार्यकारी दण्डाधिकारी, तहसील निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश

श्री हेत राम पुत्र श्री सुरत राम, गांव बंगाड़ी, फाटी सरघा, तहसील निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश।

बनाम

आम जनता

विषय.—प्रार्थना—पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत जन्म तिथि दर्ज करने बारे।

श्री हेत राम पुत्र श्री सुरत राम, निवासी बंगाड़ी, फाटी सरघा, तहसील निरमण्ड ने इस अदालत में प्रार्थना—पत्र गुजारा है कि उसके पुत्र प्रवेश कुमार का जन्म 28-4-1988 को गांव बंगाड़ी, ग्राम पंचायत सरघा में हुआ है परन्तु अज्ञानता के कारण वह अपने पुत्र की जन्म तिथि ग्राम पंचायत सरघा में दर्ज नहीं करवा सका।

अतः इस इशतहार द्वारा आम जनता को सूचित किया जाता है कि उक्त जन्म तिथि ग्राम पंचायत सरघा में दर्ज करने बारे यदि किसी को उजर एवं एतराज हो तो वह असालतन या वकालतन अदालत हजा

में 9-1-2013 को प्रातः 10.00 बजे आकर पेश कर सकता है। उसके उपरान्त कोई एतराज नहीं सुना जाएगा और जन्म तिथि को दर्ज करने के आदेश नियमानुसार पारित कर दिए जाएंगे।

आज दिनांक 10-12-2012 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी किया गया।

मोहर।

एस0 एल0 नेगी,
कार्यकारी दण्डाधिकारी,
निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश।

ब अदालत श्री एस0 एल0 नेगी, कार्यकारी दण्डाधिकारी, तहसील निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश

श्री मेहर दास पुत्र श्री चमन लाल, निवासी गांव सराहन, तहसील निरमण्ड, जिला कुल्लू,
हिमाचल प्रदेश . . वादी।

बनाम

आम जनता

. . प्रतिवादी।

विषय.—प्रार्थना—पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत।

श्री मेहर दास पुत्र श्री चमन लाल, निवासी गांव सराहन ने आवेदन—पत्र दिया है कि उसके पुत्र करण का जन्म दिनांक 12-7-2008 को स्थान सराहन में हुआ है और ग्राम पंचायत सराहन में इसकी जन्म तिथि का इन्द्राज नहीं कर सका।

अतः किसी भी व्यक्ति को करण की जन्म तिथि का इन्द्राज करने बारे एतराज हो तो वह तिथि 9-1-2013 को अपना एतराज पेश कर सकते हैं। उसके बाद किसी प्रकार का उजर नहीं सुना जाएगा।

आज दिनांक 10-12-2012 को मेरे हस्ताक्षर व मोहर अदालत सहित जारी हुआ।

मोहर।

एस0 एल0 नेगी,
कार्यकारी दण्डाधिकारी,
निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश।

ब अदालत श्री एस0 एल0 नेगी, कार्यकारी दण्डाधिकारी, तहसील निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश

श्री भगत राम पुत्र श्री समतू राम, गांव चमारला, फाटी शिल्ही, तहसील निरमण्ड, जिला कुल्लू,
हिमाचल प्रदेश . . वादी।

बनाम

आम जनता

. . प्रतिवादी।

विषय.—प्रार्थना—पत्र जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत।

श्री भगत राम पुत्र श्री समतू राम, गांव चमारला, तहसील निरमण्ड ने आवेदन—पत्र दिया है कि उसकी जन्म तिथि 15-11-1986 है जबकि ग्राम पंचायत डीम में दर्ज नहीं है। स्कूल प्रमाण—पत्र में भी 15-11-1986 है।

इस प्रकार ग्राम पंचायत डीम, तहसील निरमण्ड के रिकार्ड में जन्म तिथि दर्ज करने में किसी व्यक्ति को एतराज हो तो वह 15-1-2013 को इस न्यायालय में वकालतन या असालतन हाजिर होकर एतराज पेश कर सकता है। उसके बाद किसी का एतराज नहीं सुना जाएगा।

आज दिनांक 11-12-2012 को मेरे हस्ताक्षर एवं मोहर अदालत से जारी हुआ।

मोहर।

एस0 एल0 नेगी,
कार्यकारी दण्डाधिकारी,
निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश।

ब अदालत श्री एस0 एल0 नेगी, कार्यकारी दण्डाधिकारी, तहसील निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश

श्री गोविन्द राम पुत्र श्री जोवन दास, निवासी वन्द थाना, तहसील निरमण्ड, जिला कुल्लू,
हिमाचल प्रदेश . . वादी।

बनाम

आम जनता

. . प्रतिवादी।

विषय.—जेर धारा 13(3) जन्म एवं मृत्यु पंजीकरण अधिनियम, 1969 के अन्तर्गत जन्म तिथि दर्ज करने बारे।

श्री गोविन्द राम पुत्र श्री जोवन दास, निवासी वन्द थाना, तहसील निरमण्ड ने आवेदन किया है कि ग्राम पंचायत कुशवा के रिकार्ड में परिवार रजिस्टर में उसकी अपनी जन्म तिथि 12-8-1964 दर्ज है जो कि गलत है जबकि स्कूल प्रमाण-पत्र में 3-3-1973 है जो सही है। अतः ग्राम पंचायत कुशवा में जन्म तिथि की दुरुस्ती स्कूल प्रमाण-पत्र व प्रार्थी के हल्फिया ब्यान के अनुसार की जानी है।

किसी भी व्यक्ति को उजर व एतराज हो तो वह 15-1-2013 को असालतन या वकालतन हाजिर होकर एतराज पेश कर सकते हैं। उसके बाद किसी का उजर नहीं सुना जाएगा।

आज दिनांक 11-12-2012 को मेरे हस्ताक्षर एवं मोहर अदालत से जारी हुआ।

मोहर।

एस0 एल0 नेगी,
कार्यकारी दण्डाधिकारी,
निरमण्ड, जिला कुल्लू, हिमाचल प्रदेश।

ब अदालत श्री जय पाल खेडा, सहायक समाहर्ता प्रथम श्रेणी, तहसील लड-भडोल, जिला मण्डी (हि0 प्र0)

मिसल नं0 38/2012

तारीख मरजुआ 8-11-2012

तारीख पेशी : 18-12-2012

ब मुकद्दमा :

श्री दुलो राम पुत्र श्री भोलू निवासी गांव चुला, डाकघर तुलाह, तहसील लड-भडोल, जिला मण्डी
(हि0 प्र0) . . प्रार्थी।

बनाम

विषय.—प्रार्थना—पत्र नाम की दुरुस्ती राजस्व अभिलेख मुहाल चुला ।

उपरोक्त मुकद्दमा में श्री दुलो राम पुत्र श्री भोलू निवासी गांव चुला, डाकघर तुलाह, तहसील लड-भडोल, जिला मण्डी (हि0 प्र0) ने इस न्यायालय में अधीन धारा 35 ता 37 के अन्तर्गत अपना नाम राजस्व अभिलेख मुहाल चुला में दुरुस्त करने हेतु आवेदन—पत्र गुजार रखा है कि प्रार्थी का वास्तविक नाम दुलो राम है परन्तु राजस्व अभिलेख मुहाल चुला में दुलो गलत दर्ज हुआ है। प्रार्थी अपने नाम की मुहाल चुला में दुरुस्ती करवाना चाहता है जिसे राजस्व अभिलेख मुहाल चुला में दुरुस्त करने के आदेश दिए जावे।

अतः आम जनता को इस इशतहार द्वारा सूचित किया जाता है कि यदि किसी व्यक्ति को प्रार्थी के नाम की दुरुस्ती राजस्व अभिलेख मुहाल चुला में दुलो के स्थान पर दुलो राम दर्ज करने बारे किसी प्रकार का उजर व एतराज हो तो वह असालतन या वकालतन दिनांक 18-12-2012 को अपना उजर व एतराज न्यायालय में पेश कर सकते हैं। गैर हाजिर की सूरत में एक तरफा कार्यवाही अमल में लाई जाएगी।

आज दिनांक 8-11-2012 को मेरे हस्ताक्षर व मोहर अदालत से जारी किया गया ।

मोहर ।

जय पाल खेडा,
सहायक समाहर्ता प्रथम श्रेणी,
तहसील लड-भडोल, जिला मण्डी (हि0 प्र0) ।